



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,851	12/11/2003	Mark Rosenzweig	EURO-251 (86084.014200)	9009
7590 Michael I. Wolfson Greenberg Traurig, LLP 200 Park Avenue New York, NY 10166			EXAMINER GREENE, JASON M	
			ART UNIT	PAPER NUMBER
			1724	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/733,851

Applicant(s)

ROSENZWEIG, MARK

Examiner

Jason M. Greene

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 18-24 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-30 is/are allowed.
- 6) ☒ Claim(s) 18-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

***Response to Arguments***

1. Applicant's arguments, see page 6, lines 8-16, filed 5 February 2007, with respect to the 35 USC 112, second paragraph rejection of claims 29 and 30 have been fully considered and are persuasive. The 35 USC 112, second paragraph rejection of claims 29 and 30 has been withdrawn.
2. Applicant's arguments, see page 6, line 17 to page 9, line 15, filed 5 February 2007, with respect to 35 USC 103 rejections of claims 26-30 have been fully considered and are persuasive. The 35 USC 103 rejections of claims 26-30 have been withdrawn.
3. Applicant's arguments with respect to claims 18-24 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 1724

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 18, 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Chrisco (US 5,351,035).

Chrisco discloses a filter monitor (10) for sensing the air pressure in a flow chamber (29) located between a filter (14) and a flow inducing device (blower 12) selectively driven by a power source comprising an electrical circuit including a pressure actuated switch (33), an indicator (LED or buzzer 45) connected to the circuit, and the pressure actuated switch operatively connected to the flow chamber (through probe 27), wherein the pressure actuated switch is closed to complete the circuitry between the indicator and electrical power source in response to the pressure in the flow chamber falling below a predetermined minimum pressure threshold thereby indicating that the filter requires cleaning or replacement in Figs. 1-6 and col. 2, line 43 to col. 5, line 2.

With regard to the filter monitor being for use in a flow chamber of a vacuum cleaner, intended use has been continuously held not to be germane to determining the patentability of the apparatus, *In re Finsterwalder*, 168 USPQ 530 (CCPA 1971).

Purpose to which apparatus is to be put and expression relating apparatus to contents thereof during intended operation are not significant in determining patentability of an apparatus claim, *Ex parte Thibault*, 164 USPQ 666 (PTO Board of Appeals 1969).

Inclusion of the material worked upon by a structure being claimed does not impart patentability to the claims, *In re Otto et al.*, 136 USPQ 458 (CCPA 1963). A recitation

Art Unit: 1724

with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the structural limitations of that claimed, Ex parte Masham, 2 USPQ 2d 1647 (PTO Board of Appeals 1987).

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chrisco (US 5,351,035) in view of Kurz (US 4,233,597).

Chrisco does not disclose the circuit comprising a resistor to reduce voltage across the circuit to a level compatible with the indicator, but Kurz teaches a similar filter monitor having such a resistor (R1) in Fig. 2 and col. 4, lines 16-22.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the resistor of Kurz into the circuit of Chrisco to ensure that the voltage supplied to the indicator will not cause unintended damage.

8. Claims 22-24 are unpatentable over Chrisco (US 5,351,035) and Kurz (US 4,233,597) as applied against claim 20 above, and further in view of Martin (US 4,733,431).

Art Unit: 1724

Chrisco and Kurz do not disclose the circuit including latching means, the latching being latched when the indicator is connected to said power source by the pressure actuated switch.

Martin discloses the circuit including a latching relay (160), said latching relay latching the indicator (46) in an indicating condition when said indicator is connected to said power source by the pressure actuated switch after a pressure indicating a need to clean or replace the filter has been detected in Fig. 6 and col. 10, line 52 to col. 11, line 10.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the latching relay of Martin into the circuit of Chrisco and Kurz to provide a steady burning indicator light once the pressure threshold is exceeded to ensure that the operator does not fail to observe a intermittently activated indicator light and to increase the life expectancy of the indicator light by preventing the light from experiencing multiple on-off sequences which can lead to premature failure due to thermal stress, as is well known in the art.

#### ***Allowable Subject Matter***

9. Claims 26-30 are allowed.

#### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (571) 272-1157. The examiner can normally be reached on Monday - Friday (9:00 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason M. Greene  
Primary Examiner  
Art Unit 1724

  
4/15/07

jmg  
April 15, 2007